

Exhibit B

Emails Discussing S.C. Code § 50-5-380

From: [Spruill, Sarah](#)
To: [Catherine Wannamaker](#); [Carl Brzorad](#)
Cc: [Lewis DeHope](#)
Subject: RE: CRL
Date: Thursday, June 9, 2022 8:37:50 AM

No further letter was sent as Charles River had made it plain that it deemed the requested information confidential and protected under section 50-5-380 (excuse my typo in my prior email) and that it met the test for a trade secret under the South Carolina Trade Secrets Act.



Sarah P. Spruill | Attorney
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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Wednesday, June 8, 2022 4:16 PM
To: Spruill, Sarah <sspruill@hsblawfirm.com>; Carl Brzorad <cbrzorad@selcsc.org>
Cc: Lewis DeHope <ldehope@selcsc.org>
Subject: Re: CRL

Sarah — Just to clarify. ..

1. We had discussed you sending a letter, on behalf of DNR, asking for justification of Charles Rivers' claim of trade secret protection. Was this letter ever sent?
2. If so, is it then DNR's position that it will shield information (on behalf of Charles River and its agents) claimed to be trade secret but without justification or explanation?

Thanks,
 Catherine

From: Spruill, Sarah <sspruill@hsblawfirm.com>
Sent: Wednesday, June 8, 2022 3:31:10 PM
To: Carl Brzorad <cbrzorad@selcsc.org>
Cc: Lewis DeHope <ldehope@selcsc.org>; Catherine Wannamaker <cwannamaker@selcsc.org>
Subject: RE: CRL

Carl:

Charles River has informed me that the requested information is not public and is protected under S.C. Code Ann. 50-5-380 as a trade secret or other specialized methodology. It has also indicated it would be willing to consider production subject to a protective order. You may want to contact counsel for Charles River directly to discuss this issue further.

Charles River has further noted that it cannot authorize the release of information that other entities may have provided to the Department. The Department sought clarification from those parties as to whether the requested information is subject to Section 380 or any other protection. Those parties have also claimed that the requested information is protected under Section 380.

I will report when I have more information or if anything changes.

Thanks,



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From: Carl Brzorad <cbrzorad@selcsc.org>
Sent: Monday, June 6, 2022 4:11 PM
To: Spruill, Sarah <sspruill@hsblawfirm.com>
Cc: Lewis DeHope <ldehope@selcsc.org>; Catherine Wannamaker <cwannamaker@selcsc.org>
Subject: RE: CRL

Hi Sarah. I hope all is well.

Following up to see if Charles River has provided any explanation for their blanket assertion of confidentiality, or if DNR has imposed a time limit for them to explain their position.

Thanks,

Carl

From: Spruill, Sarah <sspruill@hsblawfirm.com>
Sent: Wednesday, May 25, 2022 10:21 AM
To: Catherine Wannamaker <cwannamaker@selcsc.org>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: RE: CRL

I'm here--

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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Tuesday, May 24, 2022 7:11 PM
To: Spruill, Sarah <sspruill@hsblawfirm.com>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: Re: CRL

Thanks. We will call around 10.

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From: Spruill, Sarah <sspruill@hsblawfirm.com>
Sent: Tuesday, May 24, 2022 3:37:20 PM
To: Catherine Wannamaker <cwannamaker@selcsc.org>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: RE: CRL

Tomorrow morning works—I should be at my desk.

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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Tuesday, May 24, 2022 3:04 PM
To: Spruill, Sarah <sspruill@hsblawfirm.com>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: Re: CRL

Are you free to talk tomorrow morning or after 4?

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From: Spruill, Sarah <sspruill@hsblawfirm.com>
Sent: Tuesday, May 24, 2022 1:27:17 PM
To: Catherine Wannamaker <cwannamaker@selcsc.org>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: RE: CRL

I think it might be worth a call to work through S.C. Code Ann. 50-5-380.

I would also ask that you give S.C. Code Ann. 39-8-20 (the definition of “trade secret” in the S.C. Trade Secrets Act) a look.

Let me know what suits. I’ve got good availability through Thursday.



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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Tuesday, May 24, 2022 12:36 PM
To: Spruill, Sarah <sspruill@hsblawfirm.com>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: RE: CRL

In other words, I think this is administrative law 101 (not that we will find a case on the trade secret

issue, but we will look).

The agency tasked with administering a statute gets to interpret the statute. *Brown v. DHEC*, 348 S.C. 507, 515 (2002) (“[T]he construction of a statute by the agency charged with its administration will be accorded the most respectful consideration and will not be overruled absent compelling reasons.”)

The legislature did not task Charles River with administering Section 50-5-380. DNR has no authority to outsource administration and interpretation of the statute to a regulated entity. There is no principle of law that binds DNR to accept a regulated entity’s interpretation of a law DNR administers. That would flip all of administrative law on its head.

From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Tuesday, May 24, 2022 10:45 AM
To: Spruill, Sarah <sspruill@hsblawfirm.com>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: Re: CRL

My thought is that you don’t have to accept their claim of trade secret under the SC statute at issue. The agency is free to interpret that state law and respond accordingly. There is just no way the vast majority of this information — eg, how many crabs die in ponds (an unintended consequence) — is a trade secret. So my view is that you could release all information that isn’t even close to a trade secret under the law.

As you know, there is no way we can settle this case without that information. But we will proceed to seek it in discovery over CRL objection if we have to — this will likely make DNR look bad again if they are taking the same position as CRL. But that is the agency’s call of course.

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From: Spruill, Sarah <sspruill@hsblawfirm.com>
Sent: Tuesday, May 24, 2022 10:40:38 AM
To: Catherine Wannamaker <cwannamaker@selcsc.org>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: RE: CRL

Given the statute, I’m not sure what we can do given their claim of a trade secret.

Happy to discuss if you’ve got a thought on it--

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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Tuesday, May 24, 2022 10:39 AM
To: Spruill, Sarah <sspruill@hsblawfirm.com>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: Re: CRL

And SCDNR is prepared to accept their rationale and not produce until discovery, too?

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From: Spruill, Sarah <sspruill@hsblawfirm.com>
Sent: Tuesday, May 24, 2022 10:35:50 AM
To: Catherine Wannamaker <cwannamaker@selcsc.org>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: RE: CRL

They told me no.

They are not willing to provide anything voluntarily or to consent to anything being provided prior to discovery and have claimed a trade secret over all of the requested information.

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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Tuesday, May 24, 2022 10:32 AM

To: Spruill, Sarah <sspruill@hsblawfirm.com>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: Re: CRL

Any news on whether you can share?

From: Spruill, Sarah <sspruill@hsblawfirm.com>
Sent: Thursday, May 19, 2022 4:41:28 PM
To: Catherine Wannamaker <cwannamaker@selcsc.org>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: RE: CRL

Let me ask if I can share the letter. I'll report back.

Thanks,



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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Thursday, May 19, 2022 4:36 PM
To: Spruill, Sarah <sspruill@hsblawfirm.com>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: Re: CRL

Thank you, Sarah. Are you able to share their response and/or rationale?

From: Spruill, Sarah <sspruill@hsblawfirm.com>
Sent: Thursday, May 19, 2022 4:31:50 PM
To: Catherine Wannamaker <cwannamaker@selcsc.org>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: RE: CRL

Catherine:

CRL is claiming trade secret protection over all of the requested information.

Please let me know if you want to discuss this further.

Thanks,



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From: Catherine Wannamaker <cwannamaker@selcsc.org>
Sent: Thursday, May 12, 2022 11:29 PM
To: Spruill, Sarah <sspruill@hsblawfirm.com>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: Re: CRL

Sounds good, thank you.

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From: Spruill, Sarah <sspruill@hsblawfirm.com>
Sent: Thursday, May 12, 2022 5:06:23 PM
To: Catherine Wannamaker <cwannamaker@selcsc.org>
Cc: Carl Brzorad <cbrzorad@selcsc.org>; Lewis DeHope <ldehope@selcsc.org>
Subject: Re: CRL

I gave them until the 20th. I'll let you know when we get a response.

Sent from my iPhone

On May 12, 2022, at 4:57 PM, Catherine Wannamaker <cwannamaker@selcsc.org> wrote:

Just curious if you have heard back from CRL on the trade secret question?

Senior Attorney
Southern Environmental Law Center

525 East Bay Street
Suite 200
Charleston, SC 29403

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